

IN THE DISTRICT COURT OF THE \_\_\_\_\_ JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF \_\_\_\_\_

Register No.

PLAINTIFF,

Plaintiff,

-vs-

DEFENDANT,

Defendant,

)  
)  
)  
)  
) NOTICE OF EVALUATION HEARING  
) UNDER SMALL LAWSUIT RESOLUTION  
) ACT

) (I.C. §7-1508; §7-1509(1))  
)  
)

Pursuant to Idaho Code § 7-1508, it is hereby ordered:

(1) **EVALUATION HEARING will commence \_\_\_\_\_, 20\_\_ AT THE  
HOUR OF \_\_ .M. \*HEARING MUST BE SCHEDULED NO SOONER THAN 28 DAYS,  
NOR LATER THAN SEVENTY (70) DAYS FROM THE DATE OF ASSIGNMENT\***

(2) Evaluation hearing shall be held at [location] or by  
telephone.

(3) Subject to the evaluator's discretion, no party shall be  
allowed more than three (3) hours for presentation of  
its case.

(4) Counsel for the parties and the evaluator may issue  
subpoenas for the hearing in the manner provided in  
the Idaho rules of civil procedure.

(5) At least seven (7) days prior to the date of the  
evaluation, each party shall file with the evaluator  
and serve upon all other parties a prehearing  
statement containing

a. a list of witnesses the party intends to call at the  
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evaluation hearing

b. a list of exhibits and documentary evidence a party intends to utilize at the hearing, and

c. whether the testimony of any witnesses shall be live, presented in sworn writing, or taken by telephone.

(If live expert witness testimony is to be presented at a hearing, counsel needs to comply with Idaho Code § 1507(2).)

(All written and other tangible evidence identified shall be made available for the opposing party's inspection and copying at least seven (7) days prior to the hearing date.)

- (6) The evaluator shall control the mode and order of proof with the objectives of making the presentation of evidence effective for the ascertainment of facts, avoiding the needless consumption of time, protecting witnesses from harassment and undue embarrassment, and ensuring the fair, swift, and cost-effective determination of the case. Witnesses shall testify under oath administered by the evaluator with the full penalty of law to apply to violation of that oath. The evaluator may allow testimony by telephone or other nontraditional means. The evaluator may question any witness. A party has the right to cross-examine any other party and any witness called by another party.

- (7) A stenographic or electronic recording may be made at the request and at the expense of any party.
- (8) The documents, as provided in Idaho Code § 7-1508(8), shall be presumed admissible and shall be made available at least seven (7) days prior to the hearing, provided the documents are disclosed in the prehearing statement and, where relevant, the name, address and telephone number of the author or the document is contained in the document or set forth in the prehearing statement.
- (9) The admission of a document under Idaho Code § 7-1508(8) does not, in any manner, restrict argument or proof relating to the weight of evidence admitted, nor does it limit the evaluator's discretion to determine the weight of the evidence after hearing all evidence and the arguments of the parties.
- (10) The evaluation hearing may proceed, and a decision may issue, in the absence of any party who, after due notice, fails to participate or to obtain a continuance. Continuances shall only be granted for good cause and for the shortest practicable time.
- (11) Within fourteen (14) days following the evaluation, the evaluator shall issue a written, signed decision.
- The evaluator shall determine all issues raised by the pleadings, including a determination of any damages. The evaluator shall apply the applicable law

as it exists; however, neither findings of fact nor conclusions of law shall be required. The decision shall be served on the parties. The evaluator shall file a notice of issuance of the evaluator's decision with the clerk of the court, together with proof of service of the notice and the decision on the parties. The decision shall not be filed with the clerk of the court.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

CERTIFICATE OF SERVICE

I do hereby certify that a true, full and correct copy of the foregoing Notice of Evaluation Hearing Under Small Lawsuit Resolution Act was this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, serviced upon the following in the manner indicated below.

Plaintiff	<input type="checkbox"/> U.S. Mail postage prepaid
Address	<input type="checkbox"/> Overnight Delivery
	<input type="checkbox"/> Hand Delivery
	<input type="checkbox"/> Telefax

Defendant	<input type="checkbox"/> U.S. Mail postage prepaid
Address	<input type="checkbox"/> Overnight Delivery
	<input type="checkbox"/> Hand Delivery
	<input type="checkbox"/> Telefax

Signature

\_\_\_\_\_  
Evaluator